

LOWELL DECL. EX. 117

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From: Stephen M. Sinaiko
Sent: Friday, February 12, 2021 2:58 PM
To: mitchell.berger@squirepb.com; gassan.baloul@squirepb.com
Cc: Ronald F. Wick
Subject: Shabtai Scott Shatsky, et al. v. The Palestine Liberation Organization, et al., Case No. 18 Civ. 12355 (MKV) (S.D.N.Y.)

Dear Mitch and Gassan,

To avoid any surprise to Defendants, we write to advise you that Plaintiffs may use expert witnesses at trial and/or summary judgment in this action to present evidence under Fed. R. Evid. 702, 703, and/or 705, including without limitation the following: Efraim Karsh; Nick Kaufman; Matthew Levitt; Itamar Marcus; Daniel Reisner; Ronni Shaked; Boaz Shnoor; and Arie Dan Spitz.

Defendants were served with these experts' written reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) in *Shatsky v. PLO*, Case No. 02-cv-2280 (RJL) (D.D.C.) ("*Shatsky I*"). As we understand these voluminous materials to be in Defendants' possession based on their production in *Shatsky I*, we do not believe it is necessary to produce them a second time here. However, to the extent Defendants are unable to access any of the previously produced reports, please let us know, and we will provide you with duplicate copies. Plaintiffs reserve the right to supplement these disclosures.

If Defendants intend to use expert witnesses at summary judgment or trial in this action, we expect that Defendants will make the disclosures required by the applicable rules as to any experts whose opinions they intend to offer.

Separately, and again to avoid any possible surprise to Defendants, we advise you that, at summary judgment and trial in this action, Plaintiffs may rely on evidence in addition to the evidence that the *Shatsky I* court considered in ruling on the parties' summary judgment motions in that case.

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Kind regards.

Steve

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